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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130403322-4454-02]

RIN 0648-XE002

Snapper-Grouper Fishery of the South Atlantic; 2015 Commercial Accountability Measure and Closure for Atlantic Dolphin

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the commercial sector for Atlantic dolphin (dolphin) in the exclusive economic zone (EEZ) off the Atlantic states (Maine through the east coast of Florida) for the 2015 fishing year through this temporary rule. Commercial landings for dolphin, as estimated by the Science and Research Director, are projected to reach the commercial annual catch limit (ACL) by *[insert date 5 days after filing for public inspection with the Office of the Federal Register]*. Therefore, NMFS closes the commercial sector for dolphin on *[insert date 5 days after filing for public*

inspection with the Office of the Federal Register], through the remainder of the fishing year in the exclusive economic zone (EEZ) of the Atlantic. This closure is necessary to protect the dolphin resource.

DATES: This rule is effective 12:01 a.m., local time, [*insert date 5 days after **filing** for public inspection with the Office of the Federal Register*], until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, NMFS Southeast Regional Office, telephone: 727-824-5305, e-mail: *catherine.hayslip@noaa.gov*.

SUPPLEMENTARY INFORMATION: The dolphin and wahoo fishery off the Atlantic states is managed under the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (FMP). The FMP was prepared by the South Atlantic Fishery Management Council, in cooperation with the Mid-Atlantic and New England Fishery Management Councils, and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL for dolphin is 1,157,001 lb (524,807 kg), round weight. Under 50 CFR 622.280(a)(1)(i), NMFS is required to close the commercial sector for dolphin when the

commercial ACL has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL has been reached and that the commercial sector for dolphin should close on *[insert date 5 days after filing for public inspection with the Office of the Federal Register]*. Therefore, this temporary rule implements an AM to close the commercial sector for dolphin in the EEZ off the Atlantic states (Maine through the east coast of Florida), effective 12:01 a.m., local time *[insert date 5 days after filing for public inspection with the Office of the Federal Register]*.

The operator of a vessel with a valid commercial vessel permit for dolphin on board must have landed and bartered, traded, or sold such species prior to 12:01 a.m., local time, *[insert date 5 days after filing for public inspection with the Office of the Federal Register]*. During the closure, the bag and possession limits specified in 50 CFR 622.277(a)(1) apply to all harvest or possession of dolphin in or from the Atlantic EEZ. Additionally, these bag and possession limits apply in the Atlantic EEZ (Maine through the east coast of Florida) on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for dolphin and wahoo has been issued, without regard to where such species were harvested, *i.e.*, in

state or Federal waters. During the closure, the sale or purchase of dolphin taken from the EEZ is prohibited.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of dolphin off the Atlantic states and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.280(a)(1)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for dolphin constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of

the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect dolphin since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 19, 2015

Emily H. Menashes,
Acting Director,
Office of Sustainable Fisheries,
National Marine Fisheries Service.

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